IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6875 OF 2007

Hanuman Sahakari Dudh Wyavasaik Sanstha
Maryadit & Ors..... ....Petitioners
V/s
Pandurang Laxman Kalekar & Ors..... ....Respondents.

Mr.S.S.Patwardhan, Adv. For the petitioner.

CORAM: A.P.DESHPANDE, J.

14/9/07

PC:

Majority of the Managing Committee members removed three managing committee members viz. Respondent Nos. 1 to 3 as they had remained absent for three consecutive meetings and hence ceased to be the members. Remaining absent in three consecutive meetings under the bylaws, provid for incurring disqualification. Acting on the said bylaws the Society acting through the majority members of the Managing Committee removed minority managing committee members. There is no order passed by the Assistant Registrar under section 78 of the Cooperative Societies act. The question that fell for consideration before the Cooperative Appellate Court was as to whether can an elected managing committee member be removed by the majority managing committee members under the pretext of implementation of bylaw without there being any order under section 78 of the Act. The Cooperative Appellate Court has held, and in my view rightly so, that in the absence of any order under section 78 of the act there cannot be removal or expulsion of an elected managing committee member. In the result there being no merit in the writ petition same is summarily dismissed.